

RCRA Docket Meeting Notes - 12/18/08
Enforcement Confidential

New Cases Tiered

- C FCC Environmental, Rockville, VA - Cox - inspected 8/08 - Failure to make a waste determination, rejected (for recycling) drums of solvent not managed as HW, accumulation date not visible, manifest and contingency plan problems. We are planning issuance of a Notice of Violation.
- C KmX Chemical Corp, New Church, VA - Cox - inspected 12/08 - Failure to make a waste determination, J/BB/CC violations, storage greater than 90 days, training records, contingency plan, bulb violations. We are planning an administrative penalty action.
- C Aerojet Corp - Cox - inspected 8/07 - Satellite problems, open container, housekeeping issues. We are planning a Notice of Violation.
- C DuPont Belle Facility, Belle, WV - Conover - inspected 9/08 - Storage in excess of permitted levels, bulging containers, satellite problems, open container/failure to prevent release (can puncturing unit), failure to make waste determination. It was noted that the Air Division has a civil referral to DOJ regarding this facility. We are recommending an administrative penalty action.
- C Centria, Ambridge, PA - Szaro - inspected 5/08 - Failure to label, date, close containers, aisle space, communication equipment, bulb violations, aerosol can disposal. We are recommending a Notice of Violation.
- C Jamestown Paint, Jamestown, PA - Szaro - inspected 6/08 - Failure to label, date, close containers, contingency plan, job descriptions, bulb violations. We are recommending a Notice of Violation.
- C Delt Ulbrich Precision Alloys, Montgomeryville, PA - Ma - inspected 9/08 - Storage greater than 90 days, accumulation date not visible, open containers, weekly inspections, training records. We are planning an administrative penalty action.
- I East River Park Shopping Center, Washington, DC - Morton - inspected 5/08 - Originally Tiered for failure to respond to a request for information, this facility failed to perform release detection on the tank and piping, and failure to provide for financial responsibility. We are recommending an administrative penalty action.
- I Freedom Citgo, Washington, DC - Morton - inspected 6/08 - Release detection record keeping violations. We are recommending a Field Citation.
- I Minnesota Ave Citgo (Samad), Washington, DC - Morton, Fields - inspected 12/07 - Originally Tiered in May 2008 for failure to respond to request for information. Information request letter was reissued in November 2008, and no response has been received, so the case is being re-Tiered with our recommendation to issue an order to compel a response.
- I Brentwood Facility (National Capitol Parks Central), Washington, DC - Ma - inspected 2/08 - Release detection record keeping violations. We are planning to address this violation with a Field Citation.
- I Petersburg National Battlefield (NPS), Petersburg, VA - Ma - inspected 4/08 - Metal piping in contact with soil. We are planning a Field Citation.

Rodney Carter

- C WAKO Chemicals - Szaro - inspected 3/07 - Super CAFO was filed 12/16/08, with penalties

of \$38,410.

C NVF Co - Matlin - inspected 2/05 - No update available.

I Tanana - Conover - inspected 6/02 - Next conference call of the team is to be held in mid-January.

AJ D'Angelo

C Precoat Metals - Matlin - inspected 5/08 - Request to Show Cause was issued on 12/10/08.

C Atlantic Aviation Services - Matlin - inspected 5/08 - Request to Show Cause was issued on 11/19/08, with a call in response on 12/9/08. The company feels that their original response to our information gathering was incomplete, and is going to have their manager and consultant revise the IRL response.

I Apex Petroleum I/II - Conover/Ma - 8/07 SCAFO - The penalty write off request (regarding the 8/07 Super CAFO) was sent to HQ. A "special examiner" was appointed by the bankruptcy court. Regarding the current case, the facility operator's response to our request for information is due tomorrow.

C Kessel Lumber Supply - Henry - inspected 2/05 - Motion remains with Mary for review. AJ will start work on the referral to DOJ.

C Rayloc Corporation - Conover - inspected 5/08 - Request to Show Cause was issued on 12/17/08.

Ben Fields

I Woodland Sunoco - Owens - inspected 9/08 - Request to Show Cause is expected to be issued some time in February.

I 58th Street Sunoco - Owens - inspected 6/08 - Request to Show Cause is expected to be issued some time in February.

I DAG Petroleum (three locations) - Szaro - Jan expects to complete the referral package in January.

I Euclid IV - Owens - Lydia is reviewing the Order to compel a response, and we expect to have this filed before the end of this month.

I Euclid/Koo Yuen II - Owens - inspected 3/01 - Respondent has withdrawn their appeal without prejudice. The referral to DOJ for collection of the penalty is to be made in the second quarter of FY09.

I Minnesota Ave Citgo (Samad) - Morton - inspected 12/07 - Response to our request for information is overdue; this case was re-Tiered today (order to compel response).

I Amerada Hess, NY Ave - Morton - inspected 8/06 - The company has expressed interest in settlement. The team will meet with management during the first week of January.

I PMIG Shell - Morton - inspected 7/07 - Respondent has agreed to a meeting in response to our November Show Cause letter.

I PMIG Texaco - Morton - inspected 7/07 - Respondent has agreed to a meeting in response to our November Show Cause letter.

I Lam's Lumber/D's Market - Owens/Peterson - inspected 6/07 - Agreement in principle has been reached, the CAFO has been signed by respondent and is in concurrence.

Jim Heenehan

I Ft Myer Construction Asphalt Plant #1 - Szaro - inspected 5/08 - Request to Show Cause was issued 12/8/08, and contact was made today in response. A settlement call will be

scheduled for January.

- I Petro Marketing Brokerage Co (three locations) - Matlin - inspected 8/06 - We sent a draft financial affidavit on 12/10, and will send respondent our draft Super CAFO (probably) this month.
- C Eastern Plating, (two locations) - Henry/Matlin - inspected 12/07 - Program and ORC are in discussion regarding penalty calculation.
- I Frederick County Motor Pool - Conover - inspected 3/07 - Super CAFO is with respondent for signature, and is expected to be signed during the week of 1/11/09 (County Board meeting).
- I Fort Myer PX Gas Station - Conover - inspected 3/08 - Jim will be working on the Request to Show Cause in January.
- C Ferro Glass - Conover - inspected 6/08 - This matter has been downgraded to a NOV.
- I Allegheny County Airport Authority - Conover - inspected 9/08 - Referral package is in development.

Joyce Howell

- C Wheeling-Pittsburgh Steel (Mountain State Carbon) - Matlin - inspected 9/07 - Martin is working on the referral package to ORC.
- I Hampton Roads Transit, Norfolk - Henry/Toffel - inspected 9/07 - Request to Show Cause/Request for Information issued 11/18/08. Settlement meeting is scheduled for 1/27/09.
- I Hampton Roads Transit, Hampton - Henry/Toffel - inspected 9/07 - Request to Show Cause/Request for Information issued 11/18/08. Settlement meeting is scheduled for 1/27/09.
- I Duncan Petroleum - Owens - 2/06 CAFO - Federal judicial complaint was filed in the Delaware District on 12/16/08.
- I WMATA (four locations) - Owens - inspected 12/06 and 1/07 - Super CAFO was filed on 12/11/08, with penalties of \$23,502 plus a supplemental environmental project.
- I Beltsville Agricultural Research Service - Toffel - inspected 2/07, 3/07 - We have reached an agreement in principle, which will *not* include a SEP. Joyce sent a draft Super CAFO to respondent earlier this week.
- C Lord Corporation - Szaro - inspected 6/07 - Referral package has been developed, and Joyce will begin work on this in January.
- I Eastern Landfill (Baltimore County) - Ma - inspected 4/05 - Continuing to track the SEP.
- I Exxon S/S #2-3507 - Henry - inspected 1/08 - Respondent has signed the Super CAFO; we expect the signed document back soon.
- C Procino Plating - Henry/Cox - inspected 12/07 and 2/08 - The team is working on the referral package to DOJ.
- I 7-Eleven #171 - Conover - inspected 8/07 - Internal meeting was held on 12/22/08, and we expect to make a penalty demand shortly.
- I 7-Eleven #182 - Conover - inspected 8/07 - Internal meeting was held on 12/22/08, and we expect to make a penalty demand shortly.
- I Kwik Lube - Conover - inspected 11/07 - No response yet to Show Cause. Joyce is working through some ethics issues (Kwik Lube principle is an employee of SWVA, which is an active case of Joyce's). Expect to talk to them soon.
- C Chemsolve (Chemicals and Solvents) - Cox - inspected 5/07 - The evidence collected will not

support issuance of a 3013 Order, we the team is working to develop a Request to Show Cause.

C Railworks Wood Products - Cox - inspected 4/05 - Judicial complaint has been drafted and is under review; Mary expects to look at it in the second quarter.

C Sandvik - Cox - inspected 9/07 - Request to Show Cause was issued in mid-November, and a settlement meeting held on 12/16/08. Based on new information, the penalty will be recalculated and a new demand made.

Natalie Katz

I Padgett's Corner Sunoco - Owens - inspected 12/07 - Super CAFO was filed 12/11/08, with penalties of \$4,642.

I DC WASA Anacostia Pump Station - Szaro - inspected 11/07 - Super CAFO has been signed by the parties, but an issue of concern has been identified by the RJO; to be discussed later today.

I Luk Oil - Morton - inspected 6/08 - Referral package was sent to ORC on 12/5/08.

Jeffrey Nast

I Century Oil - Szaro - inspected 3/04 - Expect the AUSA to begin drafting in January/February time frame.

I H-Mart - Matlin - inspected 7/07 - Super CAFO with operator was filed on 11/13/08, with penalties of \$21,000. Super CAFO with owner was filed on 11/20/08, with penalties of \$27,000; all penalties have been paid.

Lou Ramalho

I DPW Fleet Management III (three locations) - Toffel - inspected 9/08 - We expect to make a formal settlement offer to respondent and wrap up the case in the second quarter.

I DC Materials Co - Morton - inspected 6/08 - Referral package is in concurrence within the program.

I East River Park Shopping Center - Morton - inspected 5/08 - Re-Tiered today, the referral package is expected to be completed in December.

I General Services Administration I (11 locations) - Owens - Super CAFO is with respondent for signature.

I Carroll Independent Fuel - Owens - SEP completion letter has been signed; this matter can be closed.

I DPW Fleet Management I - Toffel - inspected 4/02, 11/05 - Settlement in response to audit #3 is projected for the second quarter.

I O'Donnell Construction - Toffel - inspected 5/08 - In settlement negotiations.

I Florida Market Chevron - Toffel, Thomas/Ramalho - inspected 5/07 - In settlement negotiations with MAPP, the team believes we are close to agreement in principle.

I US Soldiers' & Airmen's Home - Fuels Services Building - Morton - inspected 4/08 - Referral package sent to ORC on 12/5/08.

C Ranbar Electrical Materials - Henry/Matlin - inspected 9/07 - Response to our request for information is under review.

C Fin Tech - Henry/Cox - inspected 2/08 - Super CAFO has been signed by the parties, and is with the RJO.

I Intelsat Corp - Henry/Ma - inspected 5/08 - Super CAFO was filed on 12/18/08, with

penalties of \$18,189.

John Ruggero

C Combined Systems Inc - Henry/Szaro - inspected 6/07 - We expect to meet with respondent in mid-January.

Brianna Tindell

- I A&A Gas - Szaro - inspected 2/08 - Concerns have come up regarding contractor (Mid-Atlantic Petroleum Testing) testing of the CP system. The penalty is being recalculated based on new information, and looks like it will go up substantially.
- I DC Sports & Entertainment Commission - Matlin - inspected 5/08 - Request to Show Cause was sent, and we expect to meet with respondent shortly.
- C GSA II, Saint Elizabeth Hospital Site - Matlin - inspected 3/08 - GSA is claiming they cannot respond to our settlement offer until mid-February. Brianna will let them know that this timing is not acceptable.
- I Turbo Mart - Matlin - inspected 2/07 - Owner is to submit documents related to their ability to pay claim at the end of this week, and file a corrective action report supplement (the fifth one?) this week. Our plan is to file a complaint against the operator in January, and against the owner as well, if promised financials don't come in.
- C Rust-Oleum - Cox - inspected 5/08 - Request to Show Cause sent 12/10/08.
- I DC Department of Youth Rehabilitation Services - Toffel - inspected 9/08 - A Request to Show Cause is to be issued in January.

Other

- I Paul's Exxon - Conover, Attorney - inspected 6/08 - Second request for information has been sent recently.
- I US Government Printing Office - Toffel, Powell-Dickson - inspected 2/08 - Super CAFO has been signed by respondent, and is concurrence within the Region.
- I Wolf Trap National Park - Morton, Ergener - inspected 7/07 - The Super CAFO is to be reviewed by Mary in late December or early January.
- I US Army Aberdeen Proving Ground - Drazan, Henry/Owens - inspected 1/07 - Second tolling agreement has been signed, and a Super CAFO has been drafted, with review and comments made by Mary.
- C Mine Safety - Henry, Nation - Request to terminate Consent Decree - No update available.